

### **REMARKS**

The foregoing amendment cancels claims 8 and 50-53, and amends claims 1, 40, 42 and 43. Pending in the application are claims 1-16 and 40-50, of which claims 1, 40, 42 and 43 are independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Claims 1, 40 and 42 are amended to recite the subject matter of claim 8, which was deemed by the Examiner to recite patentable subject matter. Specifically, the claims are amended to specify that the a droplet ejection nozzle is formed separate from the sample filling channel in the tip.

Claim 43 is amended to clarify that the dispensing pin is formed from a silicon wafer using a microfabrication technique, a feature recited in claim 7, which the Examiner indicated to recite patentable subject matter. *No new matter is added.*

Amendment and/or cancellation of the claims is not to be construed as an acquiescence to any of the objections/rejections set forth in the instant Office Action, and was done solely to expedite prosecution of the application. Applicant reserves the right to pursue the claims as originally filed, or similar claims, in this or one or more subsequent patent applications.

### **Restriction Requirement**

Regarding the Restriction Requirement issued for the present application, Applicant has canceled claims 50-53 in view of the Restriction Requirement.

### **Art Rejections**

In the Office Action, the Examiner rejects claims 1, 4, 9, 40, 41-43 and 49 under 35 U.S.C. as being anticipated by Martinsky. The Examiner also rejects claims 2-3, 5-6, 11, 13 and

16 under 35 U.S.C. 103(a) as being unpatentable over the Martinsky reference and indicates that claims 7-8, 10, 12, 14-15 and 44-48 recite patentable subject matter.

Applicants respectfully disagree with the Examiner, because the Martinsky reference does not teach or suggest an actuator that is coupled to a sample chamber for forming a droplet. Rather, even if the motion control system can be considered an actuator, the motion control system is separate from and unconnected to the actual sample chamber.

However, in order to expedite allowance of the present application, Applicants have amended the independent claims, namely, claims 1, 40, 42 and 43 to include the patentable subject matter indicated by the Examiner.

Specifically, claims 1, 40 and 42 are amended to include the subject matter of canceled claim 8, which specifies that the droplet ejection nozzle formed separate from the filling channel in the tip. As recognized by the Examiner, the Martinsky reference does not teach or suggest a sample dispensing system that includes both a filling structure and a *separate* droplet ejection structure co-fabricated on a tip of the dispensing pin, as recited in claims 1, 40 and 42. The use of a separate filling structure and a separate droplet ejection structure on the tip of a pin forms a fluid path through the dispensing pin tip for loading a supply of a liquid sample and dispensing the liquid sample in the form of liquid droplets. In contrast, the printing pin described in Martinsky includes a single opening for both filling and emptying the sample channel.

Independent claim 43 specifies that the dispensing pin is formed from a silicon wafer using a microfabrication technique, a feature neither taught nor suggested by the Martinsky reference, as recognized by the Examiner. Rather, the Martinsky printing pin is made from stainless steel using an electronic discharge machine.

For at least these reasons, pending claims 1-16 and 40-50 distinguish patentably over the Martinsky reference.

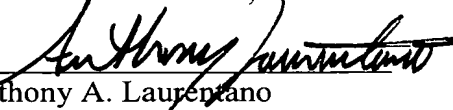
**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If, however, the Examiner considers that obstacles to allowance of these claims persist, we invite a telephone call to Applicant's representative.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. TGZ-005 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

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